

SENATE BILL 282

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11r0113

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Education)**

Introduced and read first time: January 31, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Family Day Care Providers – Amnesty Period – Repeal**

3 FOR the purpose of repealing obsolete provisions of law relating to an amnesty period
4 for unregistered family day care providers; and generally relating to the family
5 day care providers amnesty program.

6 BY repealing

7 Article – Family Law

8 Section 5–552.1

9 Annotated Code of Maryland

10 (2006 Replacement Volume and 2010 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Family Law**

14 **[5–552.1.**

15 (a) (1) There is an amnesty period, to be determined by the Department,
16 for unregistered family day care providers.

17 (2) The purpose of the amnesty period is to encourage compliance with
18 the registration requirements of this Part V.

19 (b) The amnesty is intended to encourage compliance with registration
20 requirements by:

21 (1) having unregistered family day care providers voluntarily enter
22 the registration process; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) allowing unregistered family day care providers participating in
2 the amnesty program to continue providing child care during the registration process.

3 (c) (1) (i) Notwithstanding any other provision of this Part V, from
4 October 1, 1994 to September 30, 1997, there shall be an amnesty period in each of
5 those years for unregistered family day care providers as provided in subparagraph (ii)
6 of this paragraph to allow unregistered family day care providers to continue in
7 operation while becoming registered in accordance with the provisions of this section.

8 (ii) Except as provided in subparagraph (iii) of this paragraph,
9 the amnesty period shall be 12 months for each year from October 1, 1994 to
10 September 30, 1997.

11 (iii) Subject to subparagraph (iv) of this paragraph, the
12 Department may reduce the number of months in the amnesty period to not less than
13 2 months for each of the 2 years from October 1, 1995 to September 30, 1997, if the
14 Department finds that a 12-month period is not feasible.

15 (iv) If the Department reduces the number of the months in the
16 amnesty period under subparagraph (iii) of this paragraph, the Department shall
17 notify the General Assembly in writing, in accordance with § 2-1246 of the State
18 Government Article.

19 (2) The State Superintendent shall adopt regulations for the
20 implementation of the amnesty program.

21 (d) (1) The amnesty shall apply only to the registration required by this
22 Part V, but only if the requirements of subsection (e) of this section are met.

23 (2) Any unregistered family day care provider participating in the
24 amnesty:

25 (i) may not be enjoined by the Department as long as
26 information is not made known to the Department that the health, safety, or welfare
27 of any child in the care of the unregistered family day care provider is endangered,
28 including any information or evidence provided by a State or local code enforcement
29 authority or protective services or law enforcement agency;

30 (ii) is not subject to the penalty provided for in § 5-557 of this
31 Part V; and

32 (iii) is subject to the group size requirements provided by §
33 5-553 of this Part V.

34 (e) For the purposes of this section, an unregistered family day care provider
35 is participating in the amnesty program if:

1 (1) the unregistered family day care provider:

2 (i) between October 1, 1994 and September 30, 1997, files an
3 application with the Department in accordance with the regulations adopted by the
4 Department; and

5 (ii) makes a good faith effort, as determined by the Department,
6 to complete the registration process within 1 year of the date of entering the amnesty;
7 and

8 (2) information is not made known to the State Department of
9 Education or the Department of Human Resources that the health, safety, or welfare
10 of any child in the care of the unregistered family day care provider is endangered,
11 including any information or evidence provided by a State or local code enforcement
12 authority, or protective services or law enforcement agency.

13 (f) Notwithstanding any other provision of law, except for any willful or
14 grossly negligent act, a State or local code enforcement authority, protective services
15 or law enforcement agency, the Department of Human Resources, State Department of
16 Education, and the personnel of a State or local code enforcement authority, protective
17 services or law enforcement agency, the Maryland Department of Human Resources,
18 or the State Department of Education shall be immune from civil liability for any act
19 or injury to any child attributable to or resulting from the amnesty period provided for
20 in this section.]

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2011.